

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SCOTT L. BAENA, LITIGATION TRUSTEE)
OF THE LERNOUT & HAUSPIE SPEECH)
PRODUCTS N.V. LITIGATION TRUST)
Plaintiff,) Civil Action No. 04-12606 PBS
- v -)
KPMG LLP and KLYNVELD PEAT MARWICK.)
GOERDELER BEDRIJFSREVISOVEN,)
Defendants.)

KPMG LLP'S LOCAL RULE 16.1(D)(3) CERTIFICATION

Pursuant to Local Rule 16.1(D)(3), the Defendant, KPMG LLP, and its counsel hereby certify that they have conferred:

(a) with a view to establishing a budget for the cost of conducting the full course and various alternative courses - of this litigation; and

(b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Dated: March 8, 2005

Respectfully Submitted,

KPMG LLP

By: Susan C. Cochfield
Name:
Title: Associate General Counsel

Michael P. Carroll
Michael S. Flynn
Sean C. Knowles
Julian J. Moore
Caroline Alice Keller
DAVIS POLK & WARDWELL
450 Lexington Avenue
New York, NY 10017
(212) 450-4000

/s/ Kristin G. McGurn
Kevin J. Lesinski (BBO #554140)
William J. Hanlon (BBO # 551878)
Kristin G. McGurn (BBO #559687)
SEYFARTH SHAW LLP
World Trade Center East
Two Seaport Lane
Suite 300
Boston, MA 02210-2028
Telephone: (617) 946-4800
Telecopier: (617) 946-4801

Attorneys for KPMG LLP

Certificate of Service

I hereby certify that a true copy of the above document was served upon the attorney of record for each party electronically and by first-class mail on March 8, 2005.

/s/ Kristin G. McGurn